

ZONING BOARD OF APPEALS

Tuesday, December 19, 2006

6:30 P.M. – Conference Room B
Rockford City Hall, 425 East State Street

Present:

ZBA Members: Tom Morgan, Chairman
Fred Money
Tom Przytulski, Jr.
Dan Roszkowski

Absent: William Orr
Joe Dunker
Alice Howard

Staff: Todd Cagnoni – Manager of Current Planning
Sandra Hawthorne – Administrative Assistant
Jon Hollander – City Engineer, Public Works
Kerry Partridge – City Attorney, Legal Department

Others: Alderman Nancy Johnson
Alderman Carl Wasco
Kathy Berg, Stenographer
Applicants and Interested Parties

The meeting started at 6:30 P.M. A **MOTION** was made by Fred Money to **APPROVE** the minutes of the November, 21, 2006 meeting as submitted. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 4-0 with William Orr, Alice Howard and Joe Dunker absent.

075-06

Applicant
Ward 4

4336 Pepper Drive

Jessie & Lynn Lawrence

Variation to install a sixteen foot (16') by eighteen foot (18') turnaround extension to a driveway in the required front yard in an R-3, Multi-family Residential District

The subject property is located approximately 600 feet from the intersection of Pepper Drive and Alpine Road. Lynn Lawrence, Applicant, submitted a written review of her application and read it to the Board. She also presented pictures of various other properties with similar uses as her request, including one of Alderman Wasco's property. The Applicant is asking for a 16 foot by 18 foot additional area to the existing drive for use as a turnaround. Ms. Lawrence stated her driveway is in the center of the yard.

Dan Roszkowski asked what the setback was on Pepper Drive. Todd Cagnoni stated typically it is 30 feet. He explained during the 1990's there was a growing concern from City Council members regarding the aesthetics of the neighborhoods. In 1998 Council passed an amendment to the Ordinance stating driveways need to go in a straight line from the street. Since this time there has not been a variation granted for the Pepper Drive area. Mr. Cagnoni further stated that earlier this year there was a request for a variation for 2512 17th Avenue. The owner had installed a parking space in violation, the request was denied and the owner was required to remove the parking space. He stated the current Applicant's request for this parking space would fit two vehicles. Staff understands that Pepper is a collector street but does not feel there is a viable hardship or safety issue. Mr. Cagnoni stated the Board could allow a reduction of the additional area which would not allow parking but would serve the purpose of the Applicant. Staff is concerned with setting a precedent by allowing vehicles to park in the front. Both of the homes on either the side of the Applicant's property have garages facing Pepper. However, the homes across the street do not have any garages facing Pepper Drive and all access faces internally

towards one another. Staff also stated that Pubic Works felt there is adequate room currently to stack the vehicles in the driveway and maneuver around to get into the garage at the current width of 16 feet.

Staff Recommendation was for Denial.

Alderman Johnson asked the Board to be consistent with decisions made on other properties. She pointed out a homeowner in her ward was made to take out the turnaround in his driveway that was installed without the owner contacting the City to see if it was allowed. She agreed that if the applicant could work out a smaller area that would not be a problem. She emphasized that most people do live on very busy streets and in her family in particular they are moving vehicles around all the time.

Alderman Wasco was present and stated because of the location of the Applicant's driveway, residents of either apartment would be looking at a vehicle in their front yard blocking their view if the Applicant's request were allowed. He also stated he knows of other Alderman who would not allow this request to pass, and that City Council has made others remove parking areas after they had been installed because they were not in code with City Ordinance. Alderman Wasco emphasized that the Applicant's property currently has a full 18' x 16' foot driveway. The Ordinance also does not allow the parking of boats or campers in the front yard and he is concerned that this may happen when the property is sold. He stated he could support widening the driveway, but not to the extent the Applicant is proposing. Alderman Wasco felt there has to be consistency in not allowing parking in the front yard in the City of Rockford. He also pointed out that his property was grandfathered in with the existing drive, and was this way when he purchased the property.

Mr. Cagnoni stated an alternative was to widen the driveway to 24 feet, which is allowable by Ordinance. This would give the Applicant and her tenants the ability to turn around or enter and exit the garage. Staff provided a sketch drawn by the city engineer showing how two vehicles could be stacked without blocking access to the garage and would still allow a turnaround area. Mrs. Lawrence stated she did not want to do this. Dan Roszkowski pointed out one of the photo examples provided by the Mrs. Lawrence was of a vehicle parked sideways in front of the house, blocking the view of the house, stating it looked terrible. The Board was in agreement.

The Board decided to lay this item over to allow the applicant time to work with Staff on a viable solution.

A **MOTION** was made by Fred Money to **LAY OVER** the Variation to install a sixteen foot by eighteen foot turnaround extension to a driveway in the required front yard in an R-3, Multi-family Residential Zoning District at 4336 Pepper Drive. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 4-0.

076-06 **3224 – 3250 Alpine Road**
Applicant Frank Kopanis
Ward 14 **Zoning Map Amendment** from an I-1, Light Industrial Zoning
District, to a C-3, Commercial General Zoning District

This property is located on the northeast corner of Alpine Road and Hydraulic Road and is part of the Alpine Industrial Park. Frank Kopanis, Applicant, reviewed the request for Zoning Map Amendment. He stated the use of the property is currently of a commercial nature and it is his desire to make the zoning consistent with the use.

Staff recommendation was for Approval with no conditions. No Objectors were present.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Zoning Map Amendment from an I-1, Light Industrial Zoning District to a C-3, Commercial General Zoning District at 3224-3250 Alpine Road. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 4-0.

076-06
Findings of Fact for a Zoning Map Amendment
From I-1, Light Industrial Zoning District
To C-3, Commercial General Zoning District at
3224-3250 South Alpine Road

Approval of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
 - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses:
 - b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and
 - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood.
2. The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as C, Commercial Retail Zoning District

077-06 **2636 McFarland Road**
Applicant Mary's Market
Ward 1 **Special Use Permit** for the sale of beer and wine by the drink for
 both indoor and outdoor
 Special Use Permit for retail sale of package liquor in a C-2,
 Commercial Community District

This property is located on the east side of North Perryville Road. Bryan Suh, representing Mary's Market Bakery and Café, reviewed the requests for Special Use Permit. Mr. Suh verified that the Applicant has no intention of establishing a bar. Their desire is to offer beer and wine by the drink in relationship to restaurant sales and the occasional sale of liquor by the package. He added that the existing menu will change somewhat to include entrees that compliment the wine.

Chairman Morgan asked Legal to verify if the liquor license would stay with the land. Attorney Partridge stated it will depend on future court rulings, but does not feel that at this time it is necessary to limit the time frame of the Special Use Permit.

No Objectors were present. The Board felt it would be feasible to add a condition stating business hours would end at 10:00 P.M. The Applicant was in agreement with this.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Special Use Permit for the sale of beer and wine by the drink for both indoor and outdoor; and to **APPROVE** the Special Use Permit for retail sale of package liquor in a C-2, Commercial Community District at 2636 McFarland Road. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 4-0. Approval is subject to the following conditions:

1. Meet all applicable liquor codes.
2. This Special Use Permit is limited to the space labeled as Mary's Market as shown on the site plan.
3. That the sale of alcohol by the drink is in conjunction with a restaurant.
4. That the sale of package liquor is limited to wine.
5. Hours of operation of the restaurant and sale of alcohol shall be no later than 10:00 P.M.

077-06
Findings of Fact for a Special Use Permit
For the Sale of Beer and Wine by the Drink
For Both Indoor and Outdoor
In a C-2, Commercial Community District at
2636 McFarland Road

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district. The Applicant's request would be consistent with other restaurant establishments in the area.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 Zoning District in which it is located.

077-06
Findings of Fact for A Special Use Permit
For Retail Sale of Package Liquor
In a C-2, Commercial Community District at
2636 McFarland Road

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district. The Applicant's request would be consistent with other restaurant establishments in the area.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 Zoning District in which it is located.

078-06

Applicant
Ward 8

3815 Harrison Avenue

Atty. Sherry L. Harlan / Rosecrance on Harrison

Modification of Special Use Permit #075-93 for a 5,286 square foot addition (2 stories, 2,643 sq. ft. per floor) consisting of a fitness center on the 1st floor and additional beds for patients on the 2nd floor, and a 1,050 square foot addition consisting of a new entrance and waiting room in an R-4, Multifamily Residential District

This property is the existing Rosecrance on Harrison. Rod Gustafson, Architect; Bob Vilanni, Administrator of Rosecrance; and Brad Carlson, Director of Facilities of Rosecrance were present. Mr. Carlson explained their request for Modification of Special Use Permit. The 1,050 square foot addition is for the entrance and waiting area. Mr. Carlson stated the remaining addition would be for a fitness center and the addition of 8 beds. The type of treatment provided will remain the same. Four staff members will be added. Alderman Nancy Johnson spoke in full support of this project, stating that she had not received any phone calls from her constituents regarding the proposal. Access to the property would remain as it is currently.

Staff Recommendation was for Approval with 3 conditions. No Objectors were present.

A **MOTION** was made by Tom Przytulski to **APPROVE** the Modification of Special Use Permit #075-93 for a 5,286 square foot addition (2 stories, 2,643 square foot per floor) consisting of a fitness center on the first floor and additional beds for patients on the second floor, and a 1,050 square foot addition consisting of a new entrance and waiting room in an R-4, Multifamily Residential District at 3815 Harrison Avenue. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 4-0.

078-06

**Findings of Fact for a Modification of Special Use Permit #075-93
For a 5,286 Square Foot Addition (2 Stories, 2,643 Sq.Ft. Per Floor)
Consisting of a Fitness Center on the 1st Floor and
Additional Beds for Patients on the 2nd Floor
And a 1,050 Square Foot Addition Consisting of a New Entrance
And Waiting Room in an R-4, Multifamily Residential Zoning District at
3815 Harrison Avenue**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the R-4, Multifamily Residential Zoning District in which it is located.

079-06

Applicant
Ward 1

7XX North Lyford Road

Rockford Mass Transit District

Zoning Map Amendment from C-2, Commercial Community District to C-3, Commercial General District and C-1, Limited Office District to C-3, Commercial General District

Special Use Permit for a Planned Mixed Use Development for a Bus Terminal, Transfer Center, including joint development of retail spaces and parking

Prior to the meeting, the Applicant submitted a written request to lay this item over to the January 17, 2007 meeting.

A **MOTION** was made by Fred Money to **LAY OVER** the Zoning Map Amendment from C-2, Commercial Community District to C-3, Commercial General District and C-1, Limited Office District to C-3, Commercial General District; and to **LAY OVER** the Special Use Permit for a Planned Mixed Use Development for a Bus Terminal, Transfer Center, including joint development of retail spaces and parking at 7XX North Lyford Road. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 4-0.

080-06

Applicant
Ward 6

3205 Kishwaukee Street

Robert Calabrese

Special Use Permit for a Planned Mixed-Use Development

consisting of a single-family residence and a performance use of passenger vehicle sales that cannot satisfy the performance criteria of 600 feet from a residential district

Variation to reduce the required parking spaces from two (one fully enclosed) to one parking space (not fully enclosed)

Variation from the required Type "C" Landscape Buffer to remain "as is" on the west 1/3rd of lot in an C-3, Commercial General District

Prior to the meeting, the Applicant submitted a written request to lay this item over to the January 17, 2007 meeting.

A **MOTION** was made by Fred Money to **LAY OVER** the Special Use Permit for a Planned Mixed-Use Development consisting of a single-family residence and a performance use of passenger vehicle sales that cannot satisfy the performance criteria of 600 feet from a residential district; to **LAY OVER** the Variation to reduce the required parking spaces from two (one fully enclosed) to one parking space (not fully enclosed); and to **LAY OVER** the Variation from the required Type "C" Landscape Buffer to remain "as is" on the west 1/3rd of lot in an C-3, Commercial General District at 3205 Kishwaukee Street. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 4-0.

Other Items

Attorney Kerry Partridge informed the Board of changes in the liquor law effective January 1, 2007. If sold on site by the drink, should a bottle of wine not be completed at dinner, the bottle can be resealed and packaged according to State statute and taken from the restaurant. The bottle itself would have to be sealed, and then sealed inside a container.

With no further business to come before the Board, the meeting was adjourned at 7:25 PM

Respectfully submitted,

Sandra A. Hawthorne
Administrative Assistant
Planning Division